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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,229	10/20/2003	Philip O. Gerard	LAC03 P320	4066

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EXAMINER

BELLINGER, JASON R

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/689,229	Applicant(s) GERARD, PHILIP O.	
	Examiner Jason R. Bellinger	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 and 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-33 and 35 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 4, 17, 21, and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are indefinite due to the fact that it is unclear how the support surface "extends outwardly" from the outer surface of the wheel. No direction (such as radially, axially, tangentially, etc.) has been set forth in the claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 6-13, 15-16, 18, 20, 22-32, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Chase ('906). Chase shows a composite wheel 11 having an outer surface, a plurality of exposed apertures formed in a circular pattern in a central hub region 15 of the wheel, and a centrally located hub aperture (unlabelled but clearly shown in Figure 3) extending through the wheel 11. A wheel cladding 20, with a body that substantially conforms to the outer surface of the wheel 11, has an exposed outer surface and an inner surface facing the wheel 11 when the wheel

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cladding 20 is attached to the wheel 11. The wheel cladding 20 includes at least one alignment tab 34 extending from the inner surface for engaging the hub aperture (namely the recess portion 44 of the hub aperture) and aligning the cladding 20 with respect to the hub aperture. At least one support post 48 extends from the inner surface of the cladding 20 substantially proximate to the hub aperture to structurally support the wheel cladding 20 with respect to the wheel 11. The support post 48 would structurally support the wheel cladding 20 with respect to the wheel 11 from any type of axially directed loads applied to the wheel cladding 20, such as loads applied substantially adjacent the hub aperture during wheel balancing.

The at least one support post 48 includes a plurality of tabs radially spaced about the hub aperture when the cladding 20 is attached to the wheel 11 (namely four support posts 48 are engaged with the wheel at 50, see Figures 1 & 3). A cap member 13 is located within, and operably connected to, a centrally located aperture 26 of the wheel cladding 20. The cap member 13 is operably connected to the wheel cladding 20 by a snap-fit connection. This snap-fit connection is obtained by a plurality of engagement tabs (unlabeled, but clearly shown in Figure 3) that engages the inner surface of the wheel cladding 20.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 14, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chase ('906). Chase contains all of the limitations as set forth in paragraph 3 above, but does not specify that the at least one alignment tab includes a plurality of tabs radially spaced about the hub aperture. However, Chase does show the wheel cladding 20 having a plurality of support tabs 48 radially spaced about the hub aperture, and also shows the cap member 13 including a plurality of radially spaced engagement tabs. Therefore from this teaching, it would have been obvious to one of ordinary skill in the art to provide the alignment tabs as a plurality of radially spaced tabs to allow the wheel cladding to be aligned with the wheel by a snap-fit type of connection, thus reducing the amount of force required to align and mount the cladding to the wheel.

Allowable Subject Matter

7. Claims 4, 17, 21, and 33 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments filed 9 May 2005 have been fully considered but they are not persuasive. The Applicant argues that the Chase reference does not show "at least one support post... proximate a wheel hub of a wheel". The Applicant then states that the dictionary definition defines the term "proximate" as "immediately preceding or following or very near".

However, it should be noted that the claims actually claim that the support post is located "substantially proximate" to the hub aperture. The limitation "substantially proximate" is much broader than the limitation "proximate", due to the fact that the term "substantial" is defined in the Merriam-Webster Dictionary as meaning "being largely but not wholly that which is specified". Therefore, the support posts 48 of Chase meet the limitation of being "substantially proximate" to the hub aperture, due to the fact that the support posts 48 are shown as being located closer to the hub aperture than the posts are located to the rim.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R. Bellinger whose telephone number is 703-308-6298. The examiner can normally be reached on Mon - Thurs (9:00-4:30).

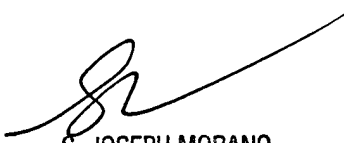
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason R Bellinger
Examiner
Art Unit 3617



jrb



S. JOSEPH MORANO
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